

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DORAN MAIN, LLC, and
DORAN CONSTRUCTION, INC.,

Plaintiffs,

v.

ORDER

Civil File No. 13-1721 (MJD/FLN)

NORTH CENTRAL STATES REGIONAL
COUNCIL OF CARPENTERS,
CARPENTRY CONTRACTORS
ASSOCIATION, and THE JOINT TRADE
BOARD,

Defendants.

Anthony De Sam Lazaro, David J. Goldstein, and Marko J. Mrkonich, Littler Mendelson, P.C., Counsel for Plaintiffs Doran Main, LLC, and Doran Construction, Inc.

David L. Hashmall, Felhaber Larson, Counsel for Defendant Carpentry Contractors Association.

Craig W. Trepanier and James C. MacGillis, Trepanier MacGillis Battina P.A., and Matthew R. Robbins, The Previant Law Firm SC, Counsel for Defendant the Joint Trade Board.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated January 30, 2014. Plaintiffs filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Noel dated January 30, 2014, with the clarification that dismissal of the Counts against Defendant Carpentry Contractors Association and the Joint Trade Board are dismissed without prejudice. See, e.g., County of Mille Lacs v. Benjamin, 361 F.3d 460, 464 (8th Cir. 2004) (“A district court is generally barred from dismissing a case with prejudice if it concludes subject matter jurisdiction is absent.”).

Accordingly, based upon the files, records, and proceedings herein, **IT IS
HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated January 30, 2014. [Docket No. 59]
2. Defendant the Joint Trade Board’s Motion to Dismiss [Docket No. 11] is **GRANTED**.

3. Defendant Carpentry Contractors Association's Motion to Dismiss [Docket No. 16] is **GRANTED**.
4. All Counts against Defendant the Joint Trade Board and Defendant Carpentry Contractors Association are **DISMISSED WITHOUT PREJUDICE FOR LACK OF SUBJECT MATTER JURISDICTION**.
5. Defendant the Joint Trade Board and Defendant Carpentry Contractors Association are dismissed as parties to this action.

Dated: March 4, 2014

s/ Michael J. Davis

Michael J. Davis
Chief Judge
United States District Court